

REMARKS

Claims 1, 3-9, 11-15, and 17-27 are currently pending in the subject application and are presently under consideration. Claims 1, 12, 14-15, 19, and 26 have been amended, and claim 28 cancelled (along with previously cancelled claims 2, 10, and 16) as shown on pages 2 to 6 of the Reply. Applicants' representative appreciates the Examiner's indication of the allowable subject matter in claim 28. Accordingly, claim 28 has been cancelled, and aspects of the claim have been incorporated into independent claims 1, 14, 19, and 26.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 3-9, 11-15, 17-25, and 27 Under 35 U.S.C. §102(e)

Claims 1, 3-9, 11-15, 17-25, and 27 stand rejected under 35 U.S.C. §102(e) as being anticipated by Loughran (US 7,185,211). It is requested that this rejection be withdrawn for at least the following reason. Loughran fails to disclose or suggest each and every element recited in the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The claimed subject matter generally relates to facilitating selective power management in a wireless mobile terminal such that some portions of the terminal may remain powered and operable while removing power from components not being utilized. More specifically, a plurality of power management schemes, stored in a configuration bank, can be employed as claimed while ensuring continuous and uninterrupted network connectivity by maintaining power to components necessary to facilitate such connectivity (e.g., network radio, CPU, etc). Additionally, power can be supplied and/or removed to/from the components based at least in part on historical usage. To this end, claim 1 recites *a power management component that utilizes at least one power*

management scheme to selectively control power to at least one portion of the wireless mobile terminal and ***maintains full power to a central processing unit (CPU) and a network radio of the wireless mobile terminal to ensure reliable uninterrupted network communication*** while removing power from other portions of the wireless mobile terminal to reduce power consumption, the power management component ***selectively controls power to the portion of the wireless mobile terminal based at least in part on a comparison of time-of-day to a history log comprising historical time-of-day utilization information*** for the portion of the wireless mobile terminal. Claim 19 recites similar aspects of ***utilizing historical time-of-day usage information for at least a portion of a wireless device to detect that power should be removed from the portion of the wireless computing device***. Loughran fails to disclose or suggest such claimed aspects.

Loughran relates to a system for effectuating power management within software applications by electing certain features to be utilized and features not to be utilized. For example, many applications today can have animated items that are not essential to the functionality, but add an aesthetic interface to the application. Such animations can be disabled in some instances to conserve power in Loughran. However, Loughran fails to disclose or suggest ***maintaining full power to a central processing unit (CPU) and a network radio of the wireless mobile terminal to ensure reliable uninterrupted network communication*** as well as ***selectively controlling power to the portion of the wireless mobile terminal based at least in part on a comparison of time-of-day to a history log comprising historical time-of-day utilization information*** as recited in subject claim 1, and similar aspects are recited in claim 19.

In particular, the Examiner has indicated that the subject matter of claim 28 is allowable incorporating aspects of independent claim 14 as well; however, it is believed that though claims 1 and 19 recite different subject matter, the matter is similar to claim 14 and allowable aspects have been incorporated therein. Thus, these claims should be allowed as well. Additionally, however, Loughran does not disclose or suggest utilization of a history log to effectuate power management as recited in the claims. Moreover, Loughran does not disclose or suggest maintaining full power to a CPU and network radio as recited. The Examiner indicates this is inherent in an email application needing constant network communication; however, applicants' representative

respectfully disagrees with this contention. Conversely, email applications typically poll for email (as opposed to receiving notification of such); thus a smarter approach in an email application in accordance with Loughran would be to power down the network radio and only provide power it when email is requested (such as on a timer, for example). On the contrary, applicants' claims recite maintaining full power to the network radio; this can facilitate wake-on-LAN events, for example. Such functionality is not disclosed or suggested by Loughran.

For at least the foregoing reasons, it is readily apparent that Loughran fails to disclose or suggest each and every element recited in claims 1 and 19. Additionally, claim 14 has been amended to incorporate the allowable subject matter indicated by the Examiner. Therefore, rejection of claims 1, 14, and 19, as well as claims 3-9, 11-13, 15, 17-18, 20-25, and 27, which depend therefrom, should be withdrawn.

II. Rejection of Claim 26 Under 35 U.S.C. §103(a)

Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Loughran and Schneider, *et al.* (US 2005/0015618). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Loughran and Schneider, *et al.*, when taken alone or in combination, fail to teach or suggest all elements recited in the subject claim. In particular, claim 26 recites similar aspects as claim 1; namely, *applying the power management configuration is based at least in part on a history log comprising historical time-of-day usage information for at least one of the portions of the wireless mobile barcode scanner*. Loughran has been shown deficient in regard to this aspect and Schneider, *et al.* fails to make up for the deficiency. Therefore, this rejection should be withdrawn.

III. Rejection of Claim 12 Under 35 U.S.C §112

Claim 12 stands rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 has been amended and currently overcomes this rejection. Thus, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP193US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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